

MEMORANDUM

Agenda Item No. 14(A)(6)

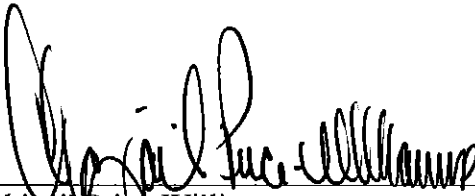
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution creating the Miami-Dade Independent Review Panel Working Group; providing for membership, organization, procedures and staffing; setting forth purpose, functions, responsibilities and sunset provision

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(6)
11-1-16

RESOLUTION NO. _____

RESOLUTION CREATING THE MIAMI-DADE
INDEPENDENT REVIEW PANEL WORKING GROUP;
PROVIDING FOR MEMBERSHIP, ORGANIZATION,
PROCEDURES AND STAFFING; SETTING FORTH
PURPOSE, FUNCTIONS, RESPONSIBILITIES AND SUNSET
PROVISION

WHEREAS, the Independent Review Panel (“IRP”) was created in 1980 after substantial unrest in the community; and

WHEREAS, the IRP is empowered to hold public hearings, prepare reports and propose recommendations regarding serious complaints or grievances made against employees, agencies or instrumentalities of Miami-Dade County; and

WHEREAS, in 2009, the County Commission did not provide any funding for the IRP because of the economic downturn; and

WHEREAS, the failure to fund the IRP has continued through this fiscal year, and the FY 2016-17 budget does not include any funding for the IRP, notwithstanding substantial improvements in the economy; and

WHEREAS, in light of recent events throughout the United States, including Florida, the Commission believes that is in the best interest of the residents of Miami-Dade County to establish a working group of stakeholders charged with developing comprehensive policy recommendations for the Commission to consider regarding the IRP,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. *Creation.* There is hereby created the “Miami-Dade County Independent Review Panel Working Group.”

Section 2. *Limitations on authority.* The Independent Review Panel Working Group (“Working Group”) is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agents or instrumentalities to any policies, incur any financial obligations, or create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

Section 3. *Membership.* The Working Group shall consist of 11 members with one appointment from each of the following entities: (1) Miami-Dade Police Department; (2) Dade County Police Benevolent Association; (3) American Civil Liberties Union of Greater Miami; (4) Miami-Dade Chapter of the National Association for the Advancement of Colored People; (5) New Florida Majority; (6) Spanish American League Against Discrimination; (7) Florida Immigrant Coalition; (8) SAVE; (9) Miami Coalition of Christians and Jews; (10) Coalition of South Florida Muslim Organizations; and (11) League of Women Voters.

- (a) Member appointments shall be made within 15 days of the effective date of this resolution.
- (b) Members of the Working Group shall reflect the diversity of the community.
- (c) Members of the Working Group shall select a chairperson and vice chairperson by majority vote. Any vacancies on the Working Group shall be filled in the manner provided for in the initial appointment. In the event of a vacancy in the office of chairperson, the vice chairperson shall conduct the next meeting and the members

of the Working Group shall select a new chairperson at that meeting. In the event of a vacancy in the office of vice chairperson, the chairperson shall conduct the next meeting and the members of the Working Group shall select a new vice chairperson at that meeting.

Section 4. *Organization and procedure at meetings.* The Working Group shall meet within 15 days of the appointment of its members, and shall meet at least every 30 days thereafter. Additional meetings may be held at the discretion of the Working Group. Members of the Working Group shall select their chairperson and vice chairperson at the first meeting. The chairperson shall preside at all meetings at which he or she is present. The vice chairperson shall act as chairperson in the absence of the chairperson.

The Working Group may establish, adopt, and amend bylaws, rules, and regulations for its own governance. In order to transact any business or to exercise any power vested in the Working Group, a quorum consisting of a majority of those persons duly appointed shall be present. The members of the Working Group shall serve without compensation.

Section 5. *Compliance with applicable laws and ordinances.* All proceedings of the Working Group shall be conducted in accordance with the Government in the Sunshine Law (Fla. Stat. Sec. 286.011) and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter. The Working Group shall be deemed an "agency" for purposes of the Public Records Law. The Working Group shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Code of Miami-Dade County.

Section 6. *Reports, functions and responsibilities.* The functions and responsibilities of the Working Group shall include:

- (a) A review of the current ordinance creating the Independent Review Panel;
- (b) An analysis of the history and effectiveness of the Independent Review Panel;
- (c) A review and analysis of similar entities from other jurisdictions;
- (d) Input from the community including, but not limited to, public hearings;
- (e) A review of relevant literature relating to citizens review panels, such as the Independent Review Panel; and
- (f) A list of recommendations for the Board's consideration including, but not limited to, best practices and proposed amendments, if any, to the ordinance creating the Independent Review Panel.

The Working Group shall provide its initial report setting forth its preliminary findings and recommendations to the Board of County Commissioners within 120 days from the date of the Working Group's initial meeting. This report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65. The Board may then request such further work of the Working Group as may be in the public interest. The Working Group shall submit a final report to the Board within 60 days from the date of its initial report. This final report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 7. *Staff.* The Working Group shall be provided adequate staff and support services by the Community Relations Board. The Community Relations Board shall hire an additional employee to assist the Working Group. Funding for the additional employee shall, if necessary, be included in the mid-year budget adjustment. Staff shall: maintain and keep records of the Working Group; prepare, in cooperation with the chairperson, the agenda for each

meeting; be responsible for the preparation of such reports, minutes, documents, or correspondence as the Working Group may direct; and, generally administer the business and affairs of the Working Group subject to budgetary limitations. The Working Group may request that the Board provide such other specialized consulting expertise as it may determine is necessary from time to time. The County Attorney's Office shall provide legal counsel, as needed to the Working Group.

Section 8. *Sunset.* The Working Group shall sunset and stand dissolved on the 364th day from the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esterban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of November, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GKS

Gerald K. Sanchez

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